

REMARKS

Reconsideration of this application is respectfully requested.

This application has been reviewed in light of the Office Action dated November 24, 2003. Claims 1-5 are currently pending in the application. It is gratefully acknowledged that Claims 1-4 have been allowed.

In the Office Action, the Examiner has rejected Claim 5 under 35 U.S.C. § 102(e) as being anticipated by *Alberth et al.* (U.S. 6,094,565). More specifically, the Examiner asserts that *Alberth* discloses all the recitations of Claim 5. It is respectfully submitted that the Examiner is incorrect.

Independent Claim 5 recites a unit for controlling a portable radio terminal to be powered on in response to a key input from either the external function key or the power key when the portable radio terminal is powered-off. However, *Alberth* makes no disclosure of powering on or off the mobile terminal using external function keys, as would be required for the Examiner to make a rejection under 35 U.S.C. § 102(e). Further, in the rejection, the Examiner cites the external function keys (208) in *Alberth* as being equivalent of the external function key of Claim 5. However, in *Alberth*, the external function keys (208) are only operational when the mobile terminal is powered-on. Therefore, it is respectfully submitted that *Alberth* does not teach powering-on a mobile terminal using an external function key, as recited by the Examiner, nor would it have been obvious or even possible to modify the device of *Alberth* to do so. Accordingly, it is respectfully submitted that the Examiner is incorrect in rejecting Claim 5 in this manner, and it is respectfully requested that the rejection to Claim 5 be withdrawn.

In view of the preceding remarks, it is respectfully submitted that all pending claims, namely Claims 1-5, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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